

1 Neel Chatterjee (SBN 173985)
2 *nchatterjee@goodwinlaw.com*
GOODWIN PROCTER LLP
3 135 Commonwealth Drive
4 Menlo Park, California 94025
Tel.: +1 650 752 3100
Fax.: +1 650 853 1038

5 Brett Schuman (SBN 189247)
bschuman@goodwinlaw.com
6 Shane Brun (SBN 179079)
sbrun@goodwinlaw.com
7 Rachel M. Walsh (SBN 250568)
rwalsh@goodwinlaw.com
8 **GOODWIN PROCTER LLP**
9 Three Embarcadero Center
San Francisco, California 94111
10 Tel.: +1 415 733 6000
Fax.: +1 415 677 9041

11 Hong-An Vu (SBN 266268)
12 *hvu@goodwinlaw.com*
13 **GOODWIN PROCTER LLP**
14 601 S. Figueroa Street, 41st Floor
15 Los Angeles, California 90017
Tel.: +1 213 426 2500
Fax.: +1 213 623 1673
16
17 *Attorneys for Defendant*
18 *Otto Trucking LLC*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Waymo LLC,

Plaintiff,

V.

20 Uber Technologies, Inc.; Ottomotto LLC; Otto
21 Trucking LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF NEEL CHATTERJEE
IN SUPPORT OF OTTO TRUCKING'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL PORTIONS OF ITS
OPPOSITION TO WAYMO'S MOTION
TO EXCLUDE DAMAGES EXPERT
JAMES MALACKOWSKI**

Courtroom: 8 (19th Floor)
Judge: Hon. William Alsup
Trial Date: October 10, 2017

Filed/Lodged Concurrently with:

1. Admin. Mtn. to File Documents Under Seal
2. [Proposed] Order
3. Redacted/Unredacted Versions
4. Proof of Service

1 I, Neel Chatterjee, declare as follows:

2 1. I am a partner at the law firm of Goodwin Procter LLP, counsel of record for
 3 Defendant Otto Trucking LLC (“Otto Trucking”). I make this declaration based upon matters
 4 within my own personal knowledge and if called as a witness, I could and would competently
 5 testify to the matters set forth herein. I make this declaration in support of Defendant Otto
 6 Trucking’s Administrative Motion to File Under Seal Portions of Its Opposition to Plaintiff
 7 Waymo LLC’s Motion to Exclude Otto Trucking’s Damages Expert James Malackowski Pursuant
 8 to Rule 702 and *Daubert* (the “Opposition”).

9 2. I have reviewed the following documents and confirmed that the portions identified
 10 below merit sealing:

| 11 Document | 12 Portions to Be Filed Under Seal | 13 Designating Parties |
|--|------------------------------------|---|
| 12 Opposition | 13 Highlighted portions | 14 Otto Trucking (blue) 15 Waymo (green) |
| 14 Exhibit 1 to 15 Chatterjee 16 Declaration | 17 Highlighted portions | 18 Otto Trucking (blue) 19 Waymo (green) |
| 16 Exhibit 2 to 17 Chatterjee 18 Declaration | 19 Entire Document | 20 Otto Trucking |

21 3. The above referenced portions of the Opposition, and Exhibits 1 and 2 to the
 22 Chatterjee Declaration highlighted in blue contain highly confidential, sensitive business
 23 information of Otto Trucking relating to terms of Otto Trucking’s agreements, corporate structure,
 24 and financial information. This highly confidential information is not publicly known, and its
 25 confidentiality is strictly maintained. I understand that if this information were made public, Otto
 26 Trucking’s competitors and counterparties would have insight into how Otto Trucking structures
 27 its business, allowing them to modify their own business strategy. Otto Trucking’s competitive
 28 standing could be significantly harmed.

27 4. The above referenced portions of the Opposition, and Exhibits 1 and 2 to the
 28 Chatterjee Declaration highlighted in green contain information that Waymo has designated

1 “Confidential” or “Highly Confidential – Attorneys’ Eyes Only” pursuant to the Protective Order
2 in this case. Otto Trucking states no position about whether the confidentiality designations are
3 appropriate. Otto Trucking anticipates that Waymo will file any necessary declarations to seal the
4 above information pursuant to Local Rule 79-5. 4.

5. Otto Trucking anticipates that Waymo will file any necessary declarations to seal
6 the above information pursuant to Local Rule 79-5.

7 6. Otto Trucking's request to seal is narrowly tailored to those portions of the
8 Opposition and its supporting documents that merit sealing.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 22nd day of September, 2017 in Menlo Park, California.

/s/ *Neel Chatterjee*
Neel Chatterjee